

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.08.2020

CORAM :

THE HON'BLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.11596 of 2020

Ganesan,
S/o.Govindan,
Ayadanapatti Village,
Agaraharam Post,
Krishnagiri Taluk and District.

... Petitioner

- Vs. -

The Inspector of police,
Krishnagiri Taluk Police Station,
Krishnagiri District.
(Crime No.453 of 2020)

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioner on bail in the event of his arrest in Crime No.453 of 2020 on the file of the respondent police.

For Petitioner : Mr.T.Muruganantham

For Respondent : Mr.T.Shanmugarajeswaran,
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of IPC in Crime No.453 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in possession of one unit of rough stones, without any valid license. Hence, the complaint.

3.The learned counsel for the Petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. On instruction, he would submit that without prejudice to his defence, the petitioner is prepared to deposit considerable amount to any charitable Organization or Association.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner was found in possession of one

unit of rough stone, without any valid license. Hence, he opposed to grant anticipatory bail to the petitioner.

5. In order to curb the illegal sand mining activities, this Court is of the opinion that the petitioner has to be directed to make a deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) as non refundable deposit to the **Joint Secretary & Treasurer, Chief Minister's Public Relief Fund, Finance (CMPRF) Department, Government of Tamil Nadu, Secretariat, Chennai-600 009, Tamil Nadu, India, email: jscmprf@tn.gov.in** or by Electronic Clearing System (ECS) to Indian Overseas Bank, Secretariat Branch, Chennai-600 009, S.B.Account No.11720 10000 00070, IFS Code: IOBA0001172, CMPRF PAN:AAAGC0038F without prejudice to his rights and contentions before the Trial Court.

6. Merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

7. Taking into consideration of the facts and circumstances and also the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate-II, Krishnagiri, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(b) the petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) as non refundable deposit to the **Joint Secretary & Treasurer, Chief Minister's Public Relief Fund, Finance (CMPRF) Department, Government of Tamil Nadu, Secretariat, Chennai-600 009, Tamil Nadu, India, email: jscmprf@tn.gov.in** or by Electronic Clearing System (ECS) to Indian Overseas Bank, Secretariat Branch, Chennai-600 009, S.B.Account No.11720 10000 00070, IFS Code: IOBA0001172, CMPRF PAN:AAAGC0038F;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy

of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***;

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

8. With the above directions, this Criminal Original Petition is ordered.

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A.D.JAGADISH CHANDIRA, J.

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To

1.The Judicial Magistrate-II,
Krishnagiri.

2.The Inspector of police,
Krishnagiri Taluk Police Station,
Krishnagiri District.

3.The Public Prosecutor,
High Court, Madras.

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